

**AMENDMENT TO H.R. 1350, AS REPORTED
OFFERED BY MRS. MUSGRAVE OF COLORADO**

In section 612(a)(10)(A) of the Individuals with Disabilities Education Act, as proposed to be amended by the bill—

- (1) redesignate clause (vi) as clause (vii); and
- (2) insert after clause (v) the following:

1 “(vi) LOCAL EDUCATIONAL AGENCY
2 OPTION.—A local educational agency may
3 elect to fulfill its obligations under this
4 subparagraph to children with disabilities
5 enrolled by their parents in private elemen-
6 tary and secondary schools in the area
7 served by the agency by offering certifi-
8 cates to all such parents for necessary spe-
9 cial education and related services, if—

10 “(I) the certificates offered with
11 respect to each child have an annual
12 aggregate value that is equal to the
13 lesser of—

14 “(aa) the per-pupil amount
15 derived by dividing the propor-
16 tionate share of Federal funds
17 calculated under clause (i)(I) by

1 the number of parentally-placed
2 children with disabilities deter-
3 mined under clause (i)(II); and

4 “(bb) the actual cost of the
5 necessary special education and
6 related services for such child;
7 and

8 “(II) the certificates may only be
9 redeemed by the parents at eligible
10 special education and related services
11 providers, as determined by the local
12 educational agency, that—

13 “(aa) provide information to
14 the parents and such agency re-
15 garding the progress of the child
16 as a result of the receipt of such
17 services in a format and, to the
18 extent practicable, a language
19 that the parents can understand;

20 “(bb) meet all applicable
21 Federal, State, and local health,
22 safety, and civil rights laws;

23 “(cc) demonstrate that the
24 provider has been lawfully oper-



1 ating as a business for not less
2 than 1 year; and

3 “(dd) provide assurances to
4 such agency that the provider is
5 financially sound, is not in bank-
6 ruptcy proceedings, and is not
7 the subject of an investigation or
8 legal judgment involving waste,
9 fraud, or abuse on the part of the
10 provider, or any employee of the
11 provider, with respect to funds
12 under the provider’s control.

13 Clause (v)(II) shall not apply special edu-
14 cation and related services furnished pur-
15 suant to such certificates. At the discretion
16 of the local educational agency, and to the
17 extent consistent with State law, State and
18 local funds may be used to add to the
19 value of such certificates.

